

Application No.: 09/821,188  
Amendment dated December 27, 2004  
Reply to Office Action of August 27, 2004

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 1, 6 and 7b. These figures have been revised to delete reference numerals that were not included in the written description. These sheets should therefore replace the original sheets including the same figures.

Attachment: Replacements sheets 1/8, 6/8 and 8/8.

### **REMARKS**

The Official Action objects to the drawings and the specification for various informalities. Additionally, the Official Action rejects the claims as being either anticipated or rendered obvious in light of one or more cited references. As described below, the drawings, specification and claims have been amended to address these objections and rejections. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the present application and allowance of the amended set of claims.

The Official Action objected to the drawings for not complying with 37 C.F.R. § 1.84(p)(5) as a result of failing to include several reference numerals. Of the reference numerals identified by the Official Action, the specification has been amended to now include reference numeral 340 in Figure 3, reference numeral 59 in Figure 6, reference numeral 7030 in Figure 7a and reference numerals 7100 and 7110 in Figure 7b. Additionally, replacement sheets are submitted herewith that include revised versions of Figures 1, 6 and 7b. In this regard, Figure 1 is revised to delete reference numeral 150, Figure 6 is revised to delete reference numerals 55, 58a and 58b and Figure 7b is revised to delete reference numeral 7120. Since the reference numerals in the drawings, as revised, are now all included in the written description, Applicant submits that the objection to the drawings has been overcome.

The Official Action also objected to the specification for including typographical errors. In particular, the Official Action indicated that paragraphs 35 and 38 included incorrect reference numerals. With respect to paragraph 35, reference numeral 933 has been amended to read 233 as suggested by the Official Action. With respect to paragraph 38, Applicant submits that the Examiner actually meant to reference paragraph 37 since paragraph 38 does not include any reference numerals while paragraph 37 includes an incorrect reference numeral. In this regard, paragraph 37 has been amended to delete reference numeral 941 and to include, instead, reference numeral 241.

The Official Action also objects to the specification for including embedded hyperlinks and/or other forms of browser-executable code. The specification has now been amended to delete all hyperlinks and other forms of browser-executable code as required by the Official Action. Since each of the issues raised by the Official Action with respect to the specification

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have been addressed, Applicant also submits that the objections to the specification are overcome.

The Official Action rejected Claims 1-3 and 5-7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,608,832 to Jan E. Forsl w. In addition, the Official Action rejected Claims 4 and 8 under 35 U.S.C. § 103(a) as being obvious over the Forsl w '832 patent in view of U.S. Patent Application Publication No. US2003/0012217 to Christoffer Andersson, et al. Independent Claims 1 and 5 have each been amended to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. In addition, new dependant Claims 9 and 10 have been added to more particularly recite other unique features of the claimed invention. As described below, the amended set of claims is not taught or suggested by the cited references, taken either individually or in combination, and the rejections of the claims are therefore submitted to be overcome.

Independent Claim 1 recites an information control device to provide for the selection of bearer services for sending data over a network. As now recited, the information control device includes a server for retrieving a tagged document. The tagged document includes at least one bearer services tag having a type indication that indicates a preferred bearer service and a plurality of service parameters associated with the preferred bearer service. For example, the type may indicate that the preferred bearer service is GSM, TDMA or WCDMA while the service parameters associated with the preferred bearer service may further define specific parameters of the preferred bearer service, such as bit error rate, delay and frame loss ratio. In addition to the bearer services tag, the tagged document includes data to be sent by the bearer service indicated by the bearer services tag. As now recited, the server of amended independent Claim 1 is also capable of thereafter transmitting the data by the bearer service indicated by the bearer services tag.

The operation of such an information control device is outlined by amended independent method Claim 5 which is directed to a method for selecting a preferred bearer service to transmit data over a network. The method of amended independent Claim 5 includes the steps of retrieving a tagged document with content from a server, searching for bearer services tags associated with the tagged document which identify the bearer service for which the content is

best suited and then sending the content using the bearer service identified by the tag. Accordingly, data requiring an extremely high quality transmission link may be associated with a bearer services tag that identifies a preferred bearer service that provides the necessary high-quality link, while other data that may be transmitted via a lower quality (and therefore generally lower cost) link may be associated with a bearer services tag identifying another, lower quality link to support the transmission.

The Forslöw '832 patent describes a technique for providing application flow over different networks, such as a circuit switch network and a packet switch network, depending upon the requested quality of service. In this regard, each application flow may have a corresponding quality of service request. Based upon the quality of service request, an algorithm determines the appropriate bearer over which to transmit the application flow. As described by the Forslöw '832 patent, this provision of the quality of service request and the subsequent determination of the appropriate bearer based upon the requested quality of service may be performed concurrent with the submission of the application flow or on a reservation basis in advance of submission of the application flow.

In contrast to the claimed invention, the Forslöw '832 patent does not teach or suggest a tagged document including bearer services tags with each tag including a type indication identifying a preferred bearer service. As such, the Forslöw '832 patent does not teach or suggest a server for retrieving a tagged document comprising at least one bearer services tag having a type indication indicating a preferred bearer service as recited by amended independent Claim 1. Likewise, the Forslöw '832 patent does not teach or suggest retrieving a tagged document from a server and then searching for bearer services tags associated with the tagged document to identify the bearer service for which the content is best suited as recited by amended independent Claim 5. Instead, the Forslöw '832 patent describes a request including a desired quality of service from which the bearer service is determined algorithmically such that any document retrieved by the Forslöw system is not described to include and has no need to include, a bearer services tag having a type indication indicating the preferred bearer service as recited by the amended independent claims.

Since the Forsl w '832 patent does not base the determination of the bearer service upon bearer services tags included in a tagged document, the Forsl w '832 patent also does not teach or suggest a server capable of transmitting the data by the bearer service indicated by the bearer services tag as recited by amended independent Claim 1. Similarly, the Forsl w '832 patent does not teach or suggest sending the content using the bearer service identified by said tags as recited by amended independent Claim 5.

The Anderson '217 publication also fails to teach or suggest retrieving and analyzing a tagged document having a bearer services tag that includes a type indication indicating a preferred bearer service and thereafter transmitting the data over the bearer service identified by the tag as recited by the amended independent claims, since the Anderson '217 publication was merely cited for its mention of WCDMA.

Thus, neither of the cited references, taken either individually or in combination, teaches or suggests the information control device and method of amended independent Claims 1 and 5, respectively, for each of the foregoing reasons. Since the dependant claims include all of the recitations of a respective independent claim, the dependant claims are likewise not taught or suggested by the cited references, taken either individually or in combination, for at least the same reasons as described above in conjunction with the respective independent claims. However, several of the dependant claims include additional recitations that further patentably distinguish the claimed invention from the cited references.

In this regard, Claims 9 and 10 have been newly added and recite that a tagged document includes a plurality of bearer services tags having type indications that indicate different preferred bearer services for different portions of the tagged document. As such, the different portions of the data may be transmitted by different bearer services in accordance with the plurality of bearer services tags. For example, a single document may include different portions that are best transmitted via different bearer services and may therefore include a plurality of bearer services tags that identify the particular bearer service over which the respective portion of the document is preferred to be transmitted. Neither the Forsl w '832 patent nor the Anderson '217 publication teach or suggest the separation of a document into a number of portions that are each transmitted via different bearer services with the particular bearer service

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being identified by an appropriate bearer services tag as now recited by new dependant Claims 9 and 10. As such, new dependant Claims 9 and 10 are further patentably distinct from the cited references, taken either individually or in combination, for this additional reason.

For each of the foregoing reasons, Applicant therefore submits that the rejections of the claims under 35 U.S.C. §§ 102(e) and 103(a) are therefore overcome.

### **CONCLUSION**

In view of the amended drawings, specification and claims and the remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

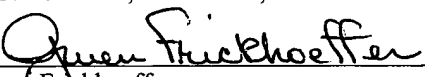


Guy R. Gosnell  
Registration No. 34,610

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 27, 2004.

  
Gwen Frickhoeffer

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